

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-490

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2016

To limit the application of the doctrine of contributory negligence in cases of collisions between non-motorized users of public highways and motor vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Motor Vehicle Collision Recovery Act of 2016".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Motor vehicle" shall have the same meaning as provided in section 2(d) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.02(4)).

(2) "Non-motorized user" means an individual using a skateboard, non-motorized scooter, Segway, tricycle, and other similar non-powered transportation devices.

(3) "Pedestrian" shall have the same meaning as provided in 18 DCMR § 9901.1.

(4) "Public highway" shall have the same meaning as provided in section 2(i) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.02(9)).

Sec. 3. Contributory negligence limitation.

(a) The negligence of a pedestrian, bicyclist, or other non-motorized user of a public highway involved in a collision with a motor vehicle shall not bar the plaintiff's recovery in any civil action unless the plaintiff's negligence is:

(1) A proximate cause of the plaintiff's injury; and

(2) Greater than the aggregated total amount of negligence of all of the defendants that proximately caused the plaintiff's injury.

(b) Nothing in this act shall be construed to:

(1) Change or affect the doctrine of joint and several liability or the last clear chance doctrine; or

(2) Reduce the legal protections provided to pedestrians and cyclists under:

(A) Section 3 of An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86 Stat. 971; D.C. Official Code § 7-1004); or

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(B) Section 7 of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective May 23, 2000 (D.C. Law 13-112; D.C. Official Code § 50-1606).

Sec. 4. Non-severability.

If any provision of this act or its application to any person or circumstance is held to be unconstitutional, beyond the statutory authority of the Council, or otherwise invalid, then all provisions of this act shall be deemed invalid.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2016



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B21-4**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 07/12/2016

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

9-21-16

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 09/20/2016

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Silverman	X			
Alexander	X				Grosso	X				Todd	X			
Allen	X				May	X				White	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

9-21-16

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Silverman				
Alexander					Grosso					Todd				
Allen					May					White				
Bonds					McDuffie									
Cheh					Nadeau									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date